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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,858	10/25/2004	Daniel Lecomte	LMC-04-1175	6398
35811 7590 08/18/2010 IP GROUP OF DLA PIPER LLP (US) ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103			EXAMINER ANDERSON, MICHAEL D	
			ART UNIT 2433	PAPER NUMBER
			NOTIFICATION DATE 08/18/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

### Office Action Summary

**Application No.**

10/501,858

**Applicant(s)**

LECOMTE, DANIEL

**Examiner**

MICHAEL ANDERSON

**Art Unit**

2433

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 69-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 69-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Remarks***

1. Pending claims for consideration are claims 69-81. Applicant has amended claims 69-71, 78, and 80.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/15/2010 has been entered.

3. Applicant's arguments with respect to claims 69-81 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2433

4. **Claims 69-78, and 80-81** are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No.: US 6,704,846 B1 to Wu et al (hereafter referenced as Wu) in view of Patent No.: US 6,529,550 B2 to Tahara et al (hereafter referenced as Tahara).

Regarding **claim 69**, Wu discloses "a method of distributing video sequences in a coded stream including a succession of images each comprising at least one Intra-frame coded image (I picture) and at least one Prediction coded image corresponding to differences between at least two images of the succession of images"**(MPEG data stream including three types of pictures I-frame, P-frame, and B-frame [Col.3/lines 18- 33])**, "comprising: analyzing an original coded stream prior to transmission to an input/output device of a client"**(MPEG stream includes I-frame. p-frame, and B-frame which are sent and received by encoder for using an intraframe compression technique [Col.3/lines 18-44])**, "analyzing video stream prior to transmission and generating, based upon the analysis, a first modified stream and a second stream"**(I frame and P frames data streams [Col.3/lines 18-24])**, "wherein said first modified stream includes a modified Prediction coded image"**(P-frames are encoded with reference to a past data frame [Col.3/lines 24-27])**, "which is modified from said at least one Prediction coded image so that a resulting video sequence is visually altered", **i.e. P-frame is encoded with additional information for compression purposes(P-frames are encoded with reference to a past data frame [Col.3/lines 24-27])**, "and an I picture, which is not modified"**(I-frames uses an intraframe lossless compression technique**

Art Unit: 2433

**[Col.3/lines 43-44]),** "said first modified stream maintaining a form for an encoding system applied to said original coded stream after said modification, and said second stream including digital information that allows a reconstruction from said modified Prediction coded image to said original coded stream", *i.e. P-frame is encoded with additional information for compression purposes(P-frames are encoded with reference to a past data frame [Col.3/lines 24-27]);* "and synthesizing said first modified stream and said second stream at the destination device to reconstruct said original coded stream" , *i.e. combining first and second stream to transmit then receiving information, and decoding to original data (frames are compressed encoded and transmitted and decoded and decompressed for viewing of data form [Col.4/lines 29-33]).* Wu does not explicitly disclose "separately transmitting the two generated streams from a server to a destination device."

However, Tahara discloses a system where a stream server received separate streams from three channels supplied and transmitted from an encoder block (**Tahara [Col.11/lines 7-13]).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wu's video decoding system with Tahara's system where a stream server receives separate streams from three channels supplied and transmitted from an encoder block in order to provide additional security as suggested by **Tahara (Tahara [Col.11/lines 7-13]).**

Regarding **claim 70** in view of claim 69, the references combined disclose " wherein said Prediction coded image is an interframe Prediction coded image

Art Unit: 2433

and/or a bidirectional Prediction coded image calculated by motion compensation from a previous or subsequent interframe Prediction coded image or the I picture" (***mpeg data stream includes I-frame, P-frame, and B-frame where the P frames are encoded with reference to past a past frame, or prior intra frame or predicted frame Wu[Col.3/lines 24-25]]***).

Regarding **claim 71** in view of claim 69, the references combined disclose "wherein said second stream includes a pre-modification image that corresponds to the modified Prediction coded image in said first modified stream" (***first encoded stream parameters are referenced when encoding second stream Tahara[Abstract]***) ; "and at said destination device, the modified Prediction coded image in said first modified stream is replaced with the corresponding image in said second stream in the synthesis of reconstructing said original coded stream", ***i.e. when signal reaches device, modified image is reconstructed back to original state (stream server receives separate streams from 3 channels supplied and transmitted from an encoder block Tahara[Col.11/lines 7-13] and reproduces the streams)***.

Regarding **claim 72** in view of claim 69, the references combined disclose "wherein said modified Prediction coded image is a replacement P picture that is different from, but has the same data volume as, and replaces a first P picture following the I picture", ***i.e. p-image is different from replacement picture, but carries same data (original coded stream ST<sub>OLD</sub> and substitute stream ST<sub>NEW</sub> are individually coded by their respective video encoders however the data occupancy quantity level are the same in order to prevent***

***discontinuity Tahara[Col.4/lines 43-63]***

Regarding **claim 73** in view of claim 69, the references combined disclose "wherein said modified Prediction coded image is a modified Prediction coded image whose modification is done by replacing an n-th interframe Prediction coded image (P picture) following the I picture with a first bidirectional Prediction coded image (B picture) following the P picture" (***bi-directionally predictive coding system utilizing I-picture and P-Picture and B-picture Tahara[Col.3/lines 39-54 also see abstract]***).

Regarding **claim 74** in view of claim 69, the references combined disclose "wherein said second stream is distributed via any of a switched telephone network (analog or digital) and a mobile telephone network with GSM, GPRS or UMTS" (***Satellite transmission system Tahara[Fig.1]***).

Regarding **claim 75** in view of claim 69, the references combined disclose "wherein said first modified stream is a stream that can be decoded by a decoder that is itself based on an MPEG standard or is compliant with an MPEG standard" (***digital transmission system utilizing the MPEG standard Tahara[Fig.3] also see Col.2/lines20-24]***).

Regarding **claim 76** in view of claim 69, the references combined disclose "wherein said coded stream is a stream that is encoded in an MPEG standard or is encoded by a method compliant with an MPEG standard" (***digital transmission system utilizing the MPEG standard Tahara[Fig.3] also see Col.2/lines20-24]***).; "said Intra-frame coded image is equivalent to I picture in the MPEG standard; and said Prediction coded image is equivalent to P picture or B

picture in the MPEG standard.”(***data quantity streams are coded in accordance with the MPEG standard utilizing I-picture, P-picture, or B-picture Tahara [Col.13/lines15-22]***).

Regarding **claim 77** in view of claim 69, the references combined disclose “wherein said first modified stream includes a modified P block that constitutes part of the interframe Prediction coded image (P picture)” (***predictive frame mode Tahara[Col.18/lines 35-37] also see Frame\_pred\_frame\_det Tahara[Fig.16]***).

Regarding **claim 78**, Wu discloses “ A video-stream generating system that generates a video stream as a coded stream including a succession of frames each comprising at least one Intraframe coded image (I picture) and at least one Prediction coded image corresponding to differences between at least two images of the succession of images” (***MPEG data stream including three types of pictures I-frame, P-frame, and B-frame [Col.3/lines 18- 33]***), “said analyzing device detecting said Prediction coded image in said video stream and generating two streams” (***P-frames are encoded with reference to a past data frame [Col.3/lines 24-27]***), “one of which is a first modified stream and the other of which is a second stream” (***I frame and P frames data streams [Col.3/lines 18-24]***); “wherein said first modified stream includes a modified Prediction coded image, which is modified from said at least one detected Prediction coded image so that a resulting video sequence is visually altered” ***i.e. P-frame is encoded with additional information for compression purposes(P-frames are encoded with reference to a past data frame [Col.3/lines 24-27])***, “and an I



Art Unit: 2433

picture, which is not modified, said first modified stream maintaining a form for an encoding system applied to said original coded stream after said modification”

***(mpeg data stream includes I-frame where the I frame is moderately compressed utilizing a intraframe compression technique [Col.3/lines 18-44]);*** “said second stream including digital information that allows reconstruction from said modified Prediction coded image to said video stream”***(P-frames are encoded with reference to a past data frame [Col.3/lines 24-27]);*** Wu does not explicitly disclose “comprising: at least one multimedia server which contains original video sequences; and an analyzing device that analyzes the video stream originating from an input/output server, and said video- stream generating system, in response to a request from a user, separately transmits said first modified stream and said second stream”

However, Tahara discloses a system where a stream server received separate streams from three channels supplied and transmitted from an encoder block ***(Tahara [Col.11/lines 7-13])***.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wu's video decoding system with Tahara's system where a stream server receives separate streams from three channels supplied and transmitted from an encoder block in order to provide additional security as suggested by ***Tahara (Tahara [Col.11/lines 7-13])***.

Regarding **claim 80**, Wu discloses “A video-stream playing device for playing a video stream as a coded stream including a succession of frames each comprising at least one Intra-frame coded image (I picture) and at least one

Art Unit: 2433

Prediction coded image corresponding to differences between one digital image excluding said I picture and at least one other digital image" (***MPEG data stream including three types of pictures I-frame, P-frame, and B-frame [Col.3/lines 18- 33]***),, "comprising: a stream decoder which decodes said coded stream"(***MPEG video decoder [Fig.3]***) ; "which has been modified from said at least one Prediction coded image so that a resulting video sequence is visually altered" ***i.e. P-frame is encoded with additional information for compression purposes(P-frames are encoded with reference to a past data frame [Col.3/lines 24-27])***, "and an I picture, which is not modified, said first modified stream maintaining an encoding system applied to said original coded stream after said modification" (***mpeg data stream includes I-frame where the I frame is moderately compressed utilizing a intraframe compression technique [Col.3/lines 18-44]***); "at least one display interface"(***[Fig.3/item 312]display controller***) ; "and a synthesizing unit that detects said modified Prediction coded image in said first modified stream and reconstructs the original coded steam from said first modified stream and a second stream that includes the Prediction coded image, which is not modified.", ***i.e. combining first and second stream to transmit then receiving information, and decoding to original data (frames are compressed encoded and transmitted and decoded and decompressed for viewing of data form [Col.4/lines 29-33])***.

Wu does not explicitly disclose "at least one recording interface which stores content of a first modified stream including a modified Prediction coded image"(***MPEG decoder storage unit [Col.8/lines 39-40]***).

Art Unit: 2433

However, Tahara in an analogous art discloses a multiplexer unit which stores modified video and audio streams and transmit information to be demuxed at the receiving point(***Tahara [Fig.3]also see Col.2/lines 15-24]***).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wu's video decoding system with Tahara's multiplexer unit which stores modified video and audio streams and transmit information to be demuxed at the receiving point in order to provide additional security and data integrity as suggested by Tahara (***Tahara [Fig.3] also see Col.2/lines 15-24]***).

Regarding **claim 81** in view of claim 80, the references combined disclose "wherein said synthesizing unit further comprises a memory device for temporarily storing said second stream"***(multiplexer unit stores modified streams and transmit information to be de-muxed at receiving point Tahara[Fig.3])***; "and said second stream stored temporarily in said memory device is deleted after the original coded stream is reconstructed from said second stream and said first modified stream, which is stored in said recording interface"***(information is de-muxed and stored at receiving point Tahara [Fig.3])***.

5. **Claim 79** is rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No.: US 6,704,846 B1 to Wu et al (hereafter referenced as Wu) in view of Patent No.: US 6,529,550 B2 to Tahara et al (hereafter referenced as Tahara) in further view of Patent No.: US 6,829,301 B1 to Tinker et al (hereafter referenced as Tinker).

Regarding **claim 79** in view of claim 78, Wu nor Tahara disclose "further comprising a memory that records a private copy marker indicating for each user a right to each video content" (***anti-theft unit with watermarking Tinker[Col.6/lines 3-9]***); "wherein said right of each user includes a right to watch a private copy of a video content an unlimited number of times, a right to watch the private copy a limited number of times with an indication of the number, or a right prohibiting private copying" (***anti theft unit utilizes encryption which prevents unauthorized viewing Tinker[Col.6/lines 23-29]***) ; "said video-stream generating system, in response to a request from a user for privately copying a specific video content" (***see Encryption and antitheft unit Tinker[Fig.1/item22]***) , "providing said first modified stream to said user; and said video-stream generating system" (***Tinker[Fig.2] which shows R,G,B(signals 1, 2, and 3) being transmitted***, "in response to a request from said user for watching said private copy of the video content, transmitting said second stream to said user after confirming the right to the video content" (***anti theft unit utilizes encryption which prevents unauthorized viewing Tinker[Col.6/lines 23-29]***).

However, Tinker in analogous art discloses an anti-theft water marking unit which utilizes encryption, decryption, decompressing preventing unauthorized viewing while allowing for identification of the source of the stream.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wu's video decoding system and Tahara's system where a stream server receives separate streams from three

Art Unit: 2433

channels supplied and transmitted from an encoder block with Tinker's anti-theft water marking unit which utilizes encryption, decryption , decompressing preventing unauthorized viewing while allowing for identification of the source of the stream (*Tinker[Col.6/lines 3-9] and [Col.6/ lines 10-2]*).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ANDERSON whose telephone number is (571)270-5159. The examiner can normally be reached on Monday-Friday 8am til 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph G. Ustaris can be reached on (571)272-7383. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2433

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/  
Supervisory Patent Examiner, Art Unit 2433

MICHAEL ANDERSON  
Examiner, Art Unit 2433